

1 AN ACT concerning drilling operations.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Drilling Operations Act is amended by
5 changing Section 4 and by adding Section 3.5 as follows:

6 (765 ILCS 530/3.5 new)

7 Sec. 3.5. Information pamphlet. The Department of Natural
8 Resources shall prepare an information pamphlet concerning a
9 property owner's rights relating to drilling operations and the
10 laws pertaining to those rights. The Department of Natural
11 Resources shall provide the drilling operator with a copy of
12 the pamphlet at the time that the operator is given a permit to
13 perform the drilling operations.

14 (765 ILCS 530/4) (from Ch. 96 1/2, par. 9654)

15 Sec. 4. Notice.

16 (a) Prior to commencement of the drilling of a well, the
17 operator shall give written notice to the surface owner of the
18 operator's intent to commence drilling operations. In addition
19 to the notice, the operator shall give the surface owner the
20 pamphlet prepared by the Department of Natural Resources
21 informing the owner of the law and the owner's rights
22 concerning the drilling operations.

23 (b) The operator shall, for the purpose of giving notice as
24 herein required, secure from the assessor's office within 90
25 days prior to the giving of the notice, a certification which
26 shall identify the person in whose name the lands on which
27 drilling operations are to be commenced and who is assessed at
28 the time the certification is made. The written certification
29 made by the assessor of the surface owner shall be conclusive
30 evidence of the surface ownership and of the operator's
31 compliance with the provisions of this Act.

1 (c) The notice required to be given by the operator to the
2 surface owner shall identify the following:

3 (1) The location of the proposed entry on the surface
4 for drilling operations, and the date on or after which
5 drilling operations shall be commenced.

6 (2) A photocopy of the drilling application to the
7 Department of Natural Resources for the well to be drilled.

8 (3) The name, address and telephone number of the
9 operator.

10 (4) An offer to discuss with the surface owner those
11 matters set forth in Section 5 hereof prior to commencement
12 of drilling operations.

13 (5) If the surface owner elects to meet the operator,
14 the surface owner shall request the operator to schedule a
15 meeting at a mutually agreed time and place within the
16 limitations set forth herein. Failure of the surface owner
17 to contact the operator at least 5 days prior to the
18 proposed commencement of drilling operations shall be
19 conclusively deemed a waiver of the right to meet by the
20 surface owner.

21 (6) The meeting shall be scheduled between the hours of
22 9:00 in the morning and the setting of the sun of the same
23 day and shall be at least 3 days prior to commencement of
24 drilling operations. Unless agreed to otherwise, the place
25 shall be located within the county in which drilling
26 operations are to be commenced where the operator or his
27 agent shall be available to discuss with the surface owner
28 or his agent those matters set forth in Section 5 hereof.

29 (7) The notice herein required shall be given to the
30 surface owner by either:

31 (A) certified mail addressed to the surface owner
32 at the address shown in the certification obtained from
33 the assessor, which shall be postmarked at least 10
34 days prior to the commencement of drilling operations;
35 or

36 (B) personal delivery to the surface owner at least

1 8 days prior to the commencement of drilling
2 operations.

3 (C) Notice to the surface owner as defined in this
4 Act shall be deemed conclusive notice to the record
5 owners of all interest in the surface.

6 (Source: P.A. 89-445, eff. 2-7-96.)